



Department of Justice
Canada

Ministère de la Justice
Canada

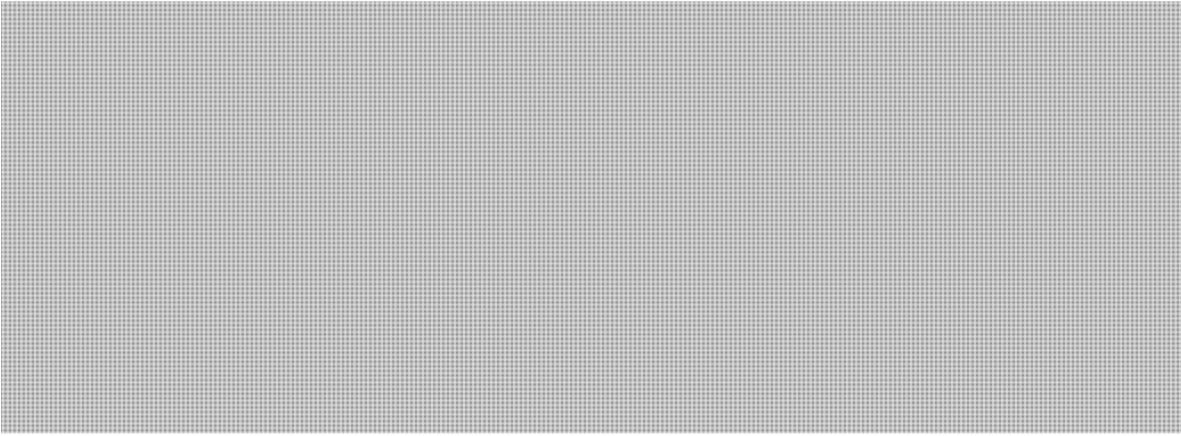
FOR APPROVAL

NUMERO DU DOSSIER/FILE #: 2016-005144
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B

TITRE/TITLE: Providing Assistance to Canadian Victims of Terrorism Abroad

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

s.21(1)(a)



- GAC, as an operational department with an international mandate, is best placed to act as the initial point of contact for Canadian victims of terrorism abroad, while the VF is well-placed to provide subsequent financial assistance to obtain counselling and other support.



Approbation/signature de la ministre demandée pour le/Minister's signature/approval requested by:

April 27, 2016

Soumis par (secteur)/Submitted by (Sector):

Policy Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Stéphanie Poliquin / Caroline Leclerc

Revue dans l'ULM par/Edited in the MLU by:

Matt Ignatowicz

Soumis au CM/Submitted to MO: April 20, 2016



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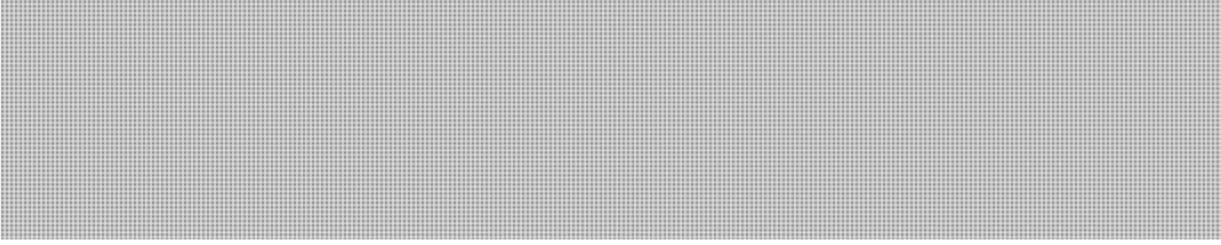
2016-005144

MEMORANDUM FOR THE MINISTER

Providing Assistance to Canadian Victims of Terrorism Abroad

ISSUE

s.21(1)(a)



BACKGROUND

Department of Justice – Victims Fund

In Canada, the provinces and territories (PTs) are primarily responsible for providing services to victims of crime and are solely responsible for financial compensation programs. While victim services are provided in all PTs, criminal injuries compensation programs are not available in Newfoundland and Labrador, or the three territories. JUS provides some funding to the PTs for victim services through the Victims Fund, but does not cost share the existing provincial criminal injuries compensation programs.

The Canadians Victimized Abroad component of JUS Victims Fund (VF) was designed to provide financial assistance to Canadian victims where PT victim services lack jurisdiction. The financial assistance provided is not compensation, but a re-imbursement of expenses that may be incurred as a result of the criminal victimization outside Canada. It is available to Canadians who are victims of specified serious violent crimes—homicide, aggravated and sexual assault, and assault with serious personal violence including against a child—while outside Canada for emergency situations where no other source of financial assistance is available. Although terrorism is not explicitly listed, Canadian victims of terrorism abroad could be eligible to receive this financial assistance under the existing categories of crime if they are either injured or killed as a result of a terrorist act abroad. Victims must apply to be considered eligible for reimbursement.

Expenses covered can include travel expenses for a Canadian victim to return to Canada and/or repatriation of a body, travel expenses for a support person to travel to the foreign jurisdiction to be with the victim in the immediate aftermath of the crime, travel expenses for the victim to return to the foreign jurisdiction to testify, out of pocket expenses due to being a victim of violent crime, and financial assistance for professional counselling upon the victim's return to Canada.



See Annex 1 for more information on this component of the VF.

Global Affairs Canada – Distressed Canadians Fund

While outside Canada, Canadian victims of terrorism are eligible to receive consular services through GAC. Additionally, GAC administers the Distressed Canadians Fund (DCF) which provides recoverable financial assistance, or loans, to Canadian citizens and their dependants abroad, usually to facilitate their repatriation to Canada once all means of private funding have been exhausted.

s.21(1)(a)

CONSIDERATIONS

s.21(1)(b)

Operational considerations

While victims of terrorism can apply for financial assistance from the Canadians Victimized Abroad component of the JUS VF,

initial point of contact for Canadians abroad, and unlike JUS, it is an operational department that provides direct services to Canadians abroad. JUS does not, as a general rule, provide direct services to Canadians, and is not available to provide support on an emergency basis, after work hours and on weekends.

s.23

Provincial/territorial considerations

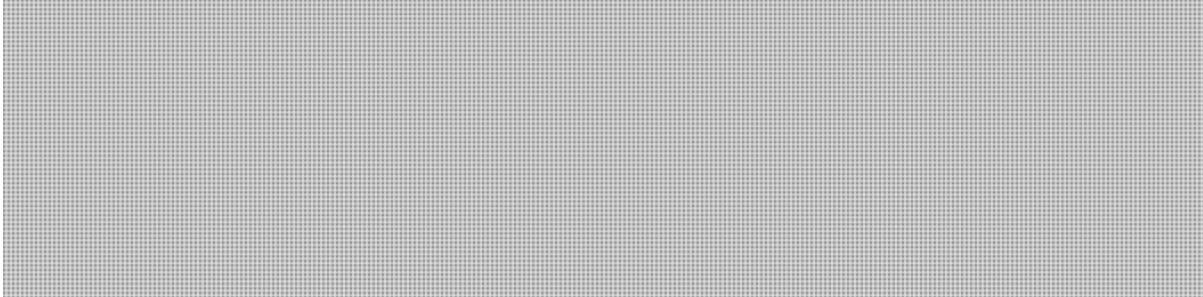
As noted above, criminal injuries compensation programs are not available in all Canadian jurisdictions, and they vary considerably in those that have them. Compensation programs require legislative mandates, include complex schedules to monetize losses, and often have established boards to assess and review applications. See Annex 3 for information on provincial compensation programs.

Liability considerations

s.21(1)(a)

s.21(1)(b)

Financial considerations



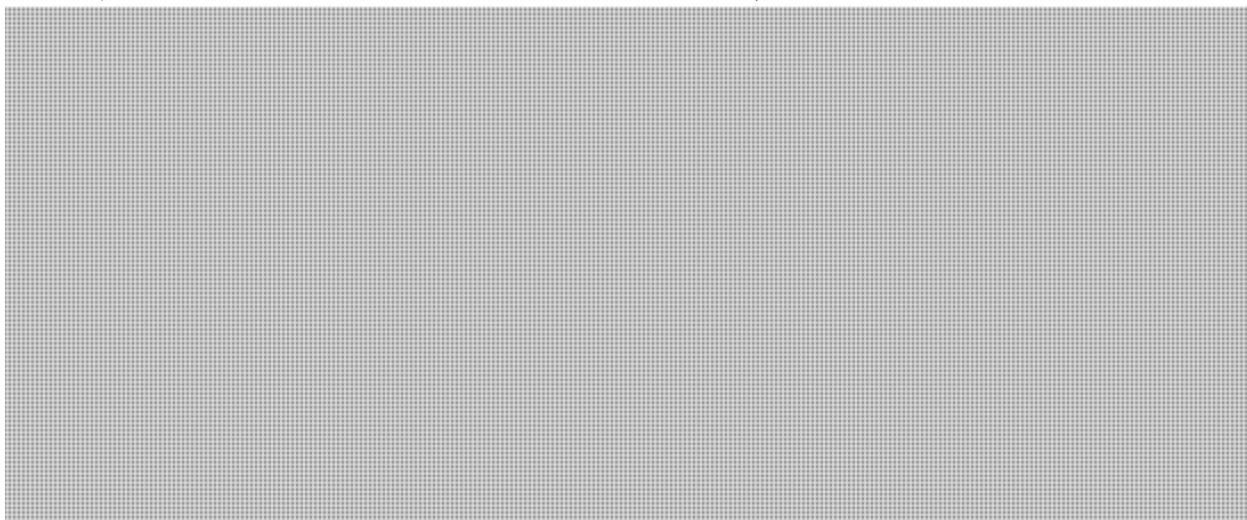
International considerations

Countries such as the United Kingdom (UK) and France administer special funds that provide compensation for their citizens who are victims of overseas terrorism, while the U.S. administers a fund to reimburse the expenses of U.S. citizens who are victims of terrorist acts outside of the country.

See Annex 4 for

International Comparisons. In the UK and Australia, victims are ineligible for compensation if they have ignored government-issued travel bans.

OPTIONS



s.21(1)(a)

RECOMMENDATION



ANNEXES

- Annex 1: Canadians Victimized Abroad component of the Victims Fund
Annex 2: Options
Annex 3: Provincial Compensation Chart
Annex 4: Table: International Victims of Terrorism Compensation Comparison

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I CONCUR WITH OPTION 1.

I CONCUR WITH OPTION 2.

I DO NOT CONCUR.

OTHER INSTRUCTIONS:

The Honourable Jody Wilson-Raybould

Date

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Annex 1

Canadians Victimized Abroad Component of the Victims Fund

The Department of Justice's Victims Fund makes financial assistance available to eligible Canadian citizens who have been the victim of a serious violent crime in a foreign country for serious situations of undue hardship where no other source of financial assistance is available. The crime or alleged crime must have occurred on or after April 1, 2007.

An application must be submitted to the Victims Fund for financial assistance by or on behalf of the Canadian victim who is:

- the victim of a serious violent crime in a foreign jurisdiction, namely a homicide, sexual assault, aggravated assault, or assault with serious personal violence, including against a child;
- a family member of a victim who is dead, ill or incapacitated due to their victimization in a foreign jurisdiction; or
- a parent or the person responsible for the care and support of a child victim.

Victims of terrorism and kidnapping, whether injured or deceased as a result of the offence would be eligible to apply for funding.

Eligible amounts

Eligible non-travel related expenses can include medical expenses incurred while in the foreign country as a result of the offence and professional counselling expenses incurred following the offence. A maximum of \$10,000 is available for non-travel related expenses.

Eligible travel related expenses can include the travel costs for a victim to return to Canada whether by regular air carrier or air ambulance; travel expenses to allow a support to travel to the foreign country to be with the victim and to accompany the victim home to Canada; and travel back to the foreign country to attend criminal proceedings as a witness or observer. If the victim is deceased, the costs associated with repatriating the body can be covered as well as the travel expenses for a person to fly to the foreign country to accompany the remains back to Canada.

Limitations

Under the current terms and conditions of the Victims Fund, eligible recipients can receive a maximum of \$50,000 which includes the maximum \$10,000 available for non-travel related expenses. As a general rule, the funds are not advanced to the applicant but rather reimbursed after the fact on the basis of valid receipts.

s.21(1)(a)
s.21(1)(b)

**Pages 7 to / à 8
are withheld pursuant to sections
sont retenues en vertu des articles**

21(1)(a), 21(1)(b)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

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Annex 3

Provincial Compensation Chart

British Columbia	Act: <i>Crime Victim Assistance Act, SBC 2001, c 38;</i> Regulations: <i>Crime Victim Assistance (General) Regulation, BC Reg 161/2002; and Crime Victim Assistance (Income Support and Vocational Services or Expenses Benefits) Regulation, BC Reg 162/2002</i>					
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in British Columbia.	No specific terrorism offences.	Persons injured or killed due to act or omission; an immediate family members, minor children of deceased; non-relatives of the victim who have a strong emotional attachment and who witness the event, suffering psychological harm.	One year from the date of the offence unless an application for extension is made and accepted on grounds of exceptional circumstances.	Medical, dental, and prescription drug expenses; counselling. Compensation: Vocational and protective services, home and vehicle modification, childcare, income and lost earnings support, and transportation services.	No global maximum. Maximums for counselling are set at \$5,040 for victims and \$3,780 for immediate family members.	Director of Victim Services may initiate a review of a decision or consider applications for review. Except on questions of law, the Director's decisions and any appeals are final.

Alberta	Act: <i>Victims of Crime Act, RSA 2000, c V-3</i> Regulations: <i>Victims of Crime Regulation, Alta Reg 63/2004</i>					
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in Alberta.	No specific terrorism offences. Terrorism is listed as a criminal conduct offence for which, if a victim is convicted, can result in ineligibility for or reduced compensation.	Persons injured or killed due to act or omission, including secondary victims and witnesses; survivors and dependents of eligible victims.	Two years from the date of the offence unless an application for extension is made and accepted based on the Director's discretion.	Compensation: Financial awards based on an actuarial table of injuries according to severity including psychological injury and death benefits.	Maximum award is \$110,000. Maximum for counselling is \$35,000, only available if a number of aggravating factors are present.	The Criminal Injuries Review Board, appointed by Lieutenant Governor in Council, may hear applications for a review of the Director's decision if made within 30 days. Board decisions are final

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Provincial Compensation Chart

except on questions of law.						
Saskatchewan	Act: <i>The Victims of Crime Act, 1995, SS 1995, c V-6.011</i> Regulations: <i>The Victims of Crime Regulations, 1997, RRS c V-6.011 Reg 1</i>					
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in Saskatchewan.	No specific terrorism offences.	Persons injured or killed due to act or omission; secondary victims.	Two years from the date of the offence.	Medical, dental, and prescription drug expenses; Compensation: Loss of earnings, funeral costs, funeral costs, other reasonably incurred expenses.	Maximum award is \$100, 000. Maximum for counselling is \$5,000.	Appeal committee, appointed by Lieutenant Governor in Council, may hear applications for review within 60 days of the Director's decision. Committee decisions are final except on questions of law.

Manitoba						
Act: <i>The Victims' Bill of Rights, CCSM c V55</i> Regulations: <i>Victims' Rights Regulation, Man Reg 214/98</i>						
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in Manitoba.	No specific terrorism offences.	Persons injured or killed due to act or omission; secondary victims; witnesses.	One year from the date of the injury or death, or one year after the date when the victim becomes aware or knows or ought to know the nature of the injuries; extension is available on Director's discretion.	Medical and dental treatment; counselling; rehabilitation; Compensation: Loss of wages, retraining, property loss or damage, home or vehicle modification, funeral expenses and death benefits.	Maximum award is \$100, 000. Maximum for counselling is \$2,000, with an additional \$2,000 in exceptional circumstances.	Appeal board, appointed by Lieutenant Governor in Council, may hear applications for review within 30 days of a Director's decision. Board decisions are final except on questions of law or jurisdiction.

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Provincial Compensation Chart

Ontario	Act: <i>Compensation for Victims of Crime Act, RSO 1990, c C.24</i> Regulations: <i>None</i> .					
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in Ontario.	No specific terrorism offences.	Persons injured or killed due to act or omission; those responsible for the support of the victim; dependents.	Two years from the date of the offence, with discretion on the part of the Board to extend.	Medical, dental, and counselling expenses; Compensation: Wage loss as a result of disability, care for a child born as a result of rape, pain and suffering, financial loss incurred by dependents, other reasonable expenses.	Maximum \$25,000 to one victim per incident, \$150,000 to all victims of one occurrence.	Where an application is heard by a single member of the board, it may be reviewed by a quorum of two members not including the member who made the decision under review. Decisions of the board are final except on questions of law.

Quebec	Act: <i>Crime Victims Compensation Act, CQLR c I-6</i> Regulations: <i>Regulation respecting the application and notice of election to claim benefits by a crime victim, CQLR c I-6, r 1</i> and <i>Regulation respecting psychotherapeutic rehabilitation of close relations of crime victims, CQLR c I-6, r 2</i>					
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in Quebec.	No specific terrorism offences.	Persons injured or killed due to act or omission or their dependents; mothers of children born due to prescribed offences.	Two years from the date of the offence or the date on which the victim becomes aware of the damage, unless it is shown that it was impossible for the victim to apply.	Medical and rehabilitative expenses; Compensation: Indemnities for periods of disability and permanent disability benefits, death benefits.	No global maximum. Maximum for counselling is \$2,600.	Decisions may be contested through application for review or administrative reconsideration if they are made in writing in the days following receipt of the decision.

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Provincial Compensation Chart

New Brunswick	Act: <i>Victims Services Act, SNB 1987, c V-2.1</i> Regulations: <i>Compensation for Victims of Crime Regulation, NB Reg 96-81</i> and <i>General Regulation, NB Reg 91-67</i>					
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in New Brunswick.	No specific terrorism offences.	Persons injured or killed due to act or omission, their parent or guardian, or next of kin.	Within one year of the commission of the offence or, in the case of sexual offences, within one year of disclosure of the offence to police.	Medical, dental, rehabilitative expenses; counselling; Compensation: Transportation, childcare, relocation, other miscellaneous expenses.	Maximum \$10,000; pain and suffering has a separate maximum of \$1,000; maximum for counselling is \$2,000.	An applicant may appeal in writing to the Minister in respect of the amount awarded. The Minister's review and decision are final.

Prince Edward Island	Act: <i>Victims of Crime Act, RSPEI 1988, c V-3.1</i> Regulations: <i>General Regulations, PEI Reg EC566/89</i>					
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in PEI.	No specific terrorism offences.	Persons injured or killed due to act or omission; their dependents.	Within one year of the commission of the offence. The Minister may extend the time period where they consider it warranted.	Medical, dental, rehabilitative expenses; Compensation: Financial loss due to disability or incapacity, pain and suffering, maintenance of a child born of sexual assault, other reasonable expenses.	Maximum to one victim is \$15,000; to all applicants regarding one occurrence is \$30,000.	The decision of the Minister is final except on questions of law.

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Provincial Compensation Chart

Nova Scotia Act: Victims' Rights and Services Act, SNS 1989, c 14 Regulations: Criminal Injuries Compensation Regulations, NS Reg 24/94						
Territorial Limitation	Terrorism Offences	Eligible Victims	Limitation Period to apply	Coverage	Maximum Amounts Offered	Oversight Body
Prescribed offence must be committed in Nova Scotia:	No specific terrorism offences.	Persons injured or killed due to act or omission; immediate family members of homicide victims.	Within one year of the crime unless it is a sexual assault by a person in a position of power or authority; may be extended in exceptional circumstances.	<i>Only counselling is covered.</i>	\$2,000 for victims of crime; \$4,000 for immediate family members of victims of homicide.	An applicant may appeal a decision of the Director only on questions of law or jurisdiction.

Note: Newfoundland and Labrador, as well as all three territories, do not currently have victim compensation programs.

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Annex 4

Table: International Victims of Terrorism Compensation Comparison						
Jurisdiction	Compensation	Institution	Nationality Criteria	Eligibility	Time Limits	Regional Variation
United Kingdom	Varies according to a fee schedule/tariff which corresponds to severity of injury	Foreign and Commonwealth Office's Criminal Injuries Compensation Authority (CICA)	British citizens or close relatives; UK armed forces or relatives; nation or member of an EU or EEA state; ordinary resident of UK	Character taken into account (e.g. criminal history, employment); must have exhausted other private means	Must apply within two years of the event unless under 18 or in exceptional circumstances	Assistance to complete application varies by residence (UK/Scotland/NI)
United States	Maximums: Medical aid: \$50k Mental health: \$5k Property loss: \$10k Funerals: \$25k	Department of Justice's International Terrorism Victim Expense Reimbursement Program (ITVERP)	US nationals or officers/employees of the US government or family members/legal guardians	All other forms of assistance must be exhausted; life insurance is not included when calculating assistance	Must apply within three years of the event, but Director of ITVERP may make exceptions	N/A
Australia	Maximum of \$75K, varying according to severity of injury; fee schedule/tariff available	Department of Human Services	Australian residents on the day on which an attack occurred or special class so designated	Proximity to act considered; compensation may be reduced if victim ignored travel warnings	Must apply within two years of the date of declaration by Prime Minister	N/A
France	No limits on compensation, except regarding destruction of goods or property loss; eligible for tax relief, provisions re:	Fund for Victims of Terrorist Acts and Other Offences (FGTI) with representatives from Finance, Justice, Social	French nationals or dependents; those who live outside France but are legally registered with a consular authority	If taking place abroad, consular authorities inform FGTI of the victim's identities; others who perceive themselves as victims can apply	Victims have up to 10 years to apply for compensation	N/A

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	military pensions, social assistance	Affairs, and Home Office				
Turkey	Compensation calculated according to formula based on monthly public employee salary plus a multiplier depending on severity	Numerous compensation commissions funded by the Social Assistance and Solidarity Encouragement Fund	Citizens of Turkey – unclear if other eligibility requirements are in force	Those with a criminal investigation pending may not apply	Within one year of the incident occurring	Commissions are created in the provinces and chaired by provincial deputy governors